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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Bhogal**

Serial No.: **10/692,167**

Filed: **October 23, 2003**

For: **Method and Apparatus for Selectively Changing the Brightness Level of a Portion of a Screen in a Data Processing System**

§ Group Art Unit: **2677**
§
§ Examiner: **Chung, Daniel J.**
§
§ Attorney Docket No.: **AUS920030860US1**
§

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CUSTOMER NUMBER

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By: Carrie Parker
Carrie Parker

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- Appeal Brief (37 C.F.R. 41.37)

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Respectfully submitted,

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Attorney Docket No: **AUS920030860US1**

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Docket No. AUS920030860US1 ***PATENT***

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Examiner: **Chung, Daniel J.**

Commissioner for Patents
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By: Carrie Parker
Carrie Parker

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on November 22, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation of Armonk, New York.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. GROUND OF REJECTION 1 (Claims 1, 4-8, 10-14, and 16-23)

Claims 1, 4-8, 10-14, and 16-23 stand rejected under 35 U.S.C. § 102(b) as anticipated by *Gaughan* et al., On-Screen Remote Control of a Television Receiver, U.S. Patent 5,589,893 (Dec. 31, 1996) (hereinafter "*Gaughan*").

ARGUMENT

A. GROUND OF REJECTION 1 (Claims 1, 4-8, 10-14, and 16-23)

A.1. Claims 1, 5, 7, 8, 12, 14, and 18

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not identically shown in the cited reference, arranged as they are in the claims.

Claim 1 is a representative claim in this group of claims. Claim 1 is as follows:

> 1. A computer implemented method for selectively increasing a display intensity of at least one region of a screen, the method comprising:
>
> responsive to identifying a first region on the screen, altering the display intensity of the screen within the first region, wherein, after the display intensity of the first region is altered, the display intensity of the screen within the first region is greater than the display intensity of other regions of the screen;
>
> determining whether the first region has been redefined to form a redefined region; and
>
> responsive to the first region being redefined, altering the display intensity of the screen within the redefined region, wherein the display intensity of the screen within the redefined region is greater than the display intensity of other regions of the screen.

Gaughan does not anticipate claim 1 because *Gaughan* does not teach selectively altering a display intensity of a region of a screen and, responsive to a first region being redefined, altering the display intensity of the screen within a redefined region, as claimed. Instead, *Gaughan* teaches "illuminating" static boxes on the display of a television receiver. *Gaughan*'s disclosed method of "illuminating" static boxes involves highlighting the static boxes with different colors. For example, in portions of text cited by the examiner, *Gaughan* states that:

> In operation, the television receiver provides on-screen displays for various television receiver control functions, such as those illustrated in FIG. 4. The

> cursor display is developed in the television receiver and its position is monitored as described previously. *In response to the (initial) activation signal from switch 44 of the remote transmitter of FIG. 2, cursor 56, in the preferred embodiment, is illuminated. In response to movements of the trackball 42 by the user, cursor 56 is moved over the viewing screen. As cursor 56 approaches a television control function portion or screen area, such as any of the screen areas 58, 60, 62 and 64, that area is illuminated and the options available for selection are displayed to the viewer. This procedure is software driven. The areas are highlighted in different colors for visual effect and to enable the viewer to associate different colors with different receiver functions.* For example, blue may be used for volume control, yellow for the channel selection area, etc. As the viewer moves the cursor to the particular desired function in the area (a line item in a menu area or a channel number in the channel selection area, for example) depression of the trackball activates the switch 44 again and the activate signal will be received by the IR receiver 34 of the television receiver and result in execution of the selected control function. During trackball movement, the cursor position is correspondingly updated. As those skilled in the art will appreciate, with the arrangement, if it is so desired, a single trackball control on the remote transmitter may suffice for completely controlling all functions of the television receiver. For example, at initial start up, the trackball may be depressed to turn the television receiver on and to illuminate the cursor. Thereafter control of any function may be obtained in the manner just described by movement of the trackball to position the cursor in the selected area and by further activation of the switch 44. When the position of cursor 56 is outside of the selected area, the illuminated area is turned off. This particular illumination arrangement will be recognized to be a matter of design choice and the invention is not to be so limited.

Gaughan, col. 4, l. 40 through col. 5, l. 11 (emphasis supplied).

As the emphasized portion of the text shows, the cursor is illuminated when a remote signal from a switch is activated, and the static control function screen areas are illuminated when the cursor moves over the static control function areas. The remaining text and figures cited by the examiner do not add any substantial issues to the patentability of claim 1.

However, claim 1 requires altering the display intensity of a screen. By altering the display intensity of a screen, the actual intensity of light projected from the screen is altered. Illuminating an object does not necessarily require that the actual display intensity of a screen be altered. For example, *Gaughan* specifically provides that illuminating may be performed by highlighting an area in a different color. This illuminating is not the same as changing the intensity of the display in a region, as claimed. Thus, *Gaughan* does not anticipate claim 1.

Furthermore, *Gaughan* does not teach or suggest increasing the actual display intensity of the screen because doing so is not necessary to accomplish *Gaughan*'s purpose. In general, the display intensity of a screen is uniform, even though portions of the screen may appear to look brighter than others because a white or lighter color appears brighter projected in some areas. However, the actual display intensity of the screen does not change. As explained in the specification, to save power entire screens are dimmed in the current art, rather than just portions of the screen. For example, a white light on one area of a currently known screen will have the same display intensity as the same color white light on another area of the currently known screen. *Gaughan* does not teach or suggest otherwise from the current art. In contrast, the claim 1 specifies that the display intensity of the screen varies in at least one region on the screen, such that a white light in one region will not have the same display intensity as a white light in another region on the screen.

Because *Gaughan* does not explicitly teach altering the display intensity of a screen, any disclosures in *Gaughan* relative to "illumination" or "highlighting" can only relate to changing the color or contrast of different regions of the screen, not changing display intensity. Accordingly, *Gaughan* does not anticipate claim 1.

Nevertheless, the examiner responds in the final office action as follows:

> Regarding claim 1, applicant argued that the cited reference (Gaughan) does not discloses "altering a display intensity of a region of a screen and, responsive to a first region being redefined, altering the display intensity of the screen within a redefined region." (See Remarks, p.8). Specifically, applicant pointed out that Gaughan does not anticipate claim 1, as illuminating of Gaughan is not the same as changing the intensity of the display in a region, as claimed. (See Remarks p.9). However, in an analogous art, illuminating/highlighting of the display is adjusted by varying the intensity of light illuminating each display area of the display device [i.e. intensity level of brightness value of display]. Therefore, applicant's arguments and amendments do not overcome the previous rejections, as broadly claimed by applicant.

Final office action of August 10, 2005, p. 4 (emphasis in original).

The examiner's rejection relies on the unsupported and incorrect assertion that illuminating or highlighting the display is adjusted by varying the intensity of light illuminating each display area of the display device, or by varying the intensity level of brightness value of the display. As pointed out above and in the previous response to office action, the examiner's assertions in this regard are incorrect. Certainly, nothing in *Gaughan* teaches that "illuminating/ highlighting of the display is

adjusted by varying the intensity of light illuminating each display area of the display device," as claimed.

The examiner has the burden of proving otherwise. A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically *shown* in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). *Gaughan* does not teach that illuminating of the display is adjusted by varying the intensity of light illuminating each display area. Instead, the examiner simply states that "in analogous art" illuminating or highlighting of the display is adjusted by varying the intensity of light. However, the examiner does not provide any reference to support the assertion that "analogous art" teaches this purported fact. Given that the examiner has failed to meet the examiner's burden that *Gaughan* teach each and every element of the claims, and given that all known references do not actually teach all of the features of claim 1, *Gaughan* does not anticipate claim 1.

Furthermore, anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Assuming, arguendo that *Gaughan* does broadly suggest that illuminating of the display is adjusted by varying the intensity of light illuminating each display area, this fact is insufficient to establish that *Gaughan* anticipates claim 1. Instead, under the standards of *Kalman*, *Gaughan* must actually disclose all of the features of claim 1 in order to anticipate claim 1. Therefore, again, the examiner has not met the examiner's burden to establish that *Gaughan* anticipates claim 1. Because *Gaughan* does not teach the feature of "responsive to the first region being redefined, altering the display intensity of the screen within the redefined region, wherein the display intensity of the screen within the redefined region is greater than the display intensity of other regions of the screen," *Gaughan* does not anticipate claim 1 or the other claims in this grouping of claims.

A.2. Claims 4, 11, and 17

Claim 4 is a representative claim in this group of claims. Claim 4 is as follows:

> 4. The computer implemented method of claim 1, wherein the first region is defined by an active window and wherein the determining step comprises:
> determining whether a new window has become the active window, wherein the new window becoming the active window results in the first

region being redefined to form the redefined region.

Gaughan does not anticipate claim 4 because *Gaughan* does not teach the feature that "the first region is defined by an active window and wherein the determining step comprises: determining whether a new window has become the active window," as claimed.

The examiner asserts otherwise, stating that:

> Regarding claim 4, Gaughan et al discloses that determining whether a new window [i.e. "window area"] has become the active window, wherein the new window becoming the active window results in the first region being redefined to form the redefined region. (See Fig 4, Fig 9, col 5 line 27-col 6 line 6).

Final office action of August 10, 2005, p. 3.

The cited text of *Gaughan* is as follows:

> In FIG. 9, the receiver initially determines whether the cursor was active when the trackball key code is received and the X,Y data retrieved from the position registers. If so, the key code is decoded and the appropriate function actuated. If not, the cursor is activated and further T'Ball signals are awaited (i.e. X,Y displacement signals). When such are received, the X,Y displacement is determined, a user acceleration value (or sensitivity factor) is applied and the new values are placed in the position registers. The ranges are checked since large movement of the trackball (to a border area or the like) may indicate that a "scroll" type function should be executed. *When the position registers indicate the cursor is in a "window" area of the screen, the area is illuminated.* The image registers are incremented (and the cursor movement is visible). It will be appreciated that to produce a "smooth" cursor movement effect it may be that the receiver is already receiving the first part of the subsequent IR transmission before the cursor has reached the position determined by the previous IR transmission. When the image registers equal the position registers, execution of the designated function is carried out.

Gaughan, col. 5, l. 27 through col. 6, l. 6 (emphasis supplied).

The cited text provides, in relevant part, that when the position registers indicate that the cursor is in a "window" area of the screen, the area is illuminated. However, this disclosure does not teach the features of claim 4, which require that at least two windows be active and the display intensity in those regions be adjusted as claimed. As claimed in claim 4, the new window becoming the active window results in the first region being *redefined* to form the redefined region. The cited text does not teach this claimed feature. Therefore, *Gaughan* does not anticipate claim 4 or the

other claims in this grouping of claims.

A.3. Claims 6, 13, and 19

Claim 6 is a representative claim in this group of claims. Claim 6 is as follows:

> 6. The computer implemented method of claim 1, wherein the first region is defined by a number of lines above and below an I-bar in a document displayed on the screen.

Gaughan does not anticipate claim 6 because *Gaughan* does not teach the claimed feature that the first region is defined by a number of lines above and below an I-bar in a document displayed on the screen. Nevertheless, the examiner asserts otherwise, stating that:

> Regarding claim 6, Gaughan et al discloses that the first region is defined by a number of lines above and below an I-bar in a document displayed on the screen. (See 'window' in Fig 4, 9).

Final office action of August 10, 2005, p. 3.

Figure 4 of *Gaughan* is as follows:

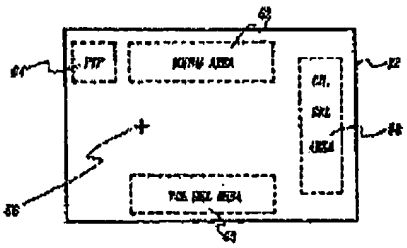


FIG 4

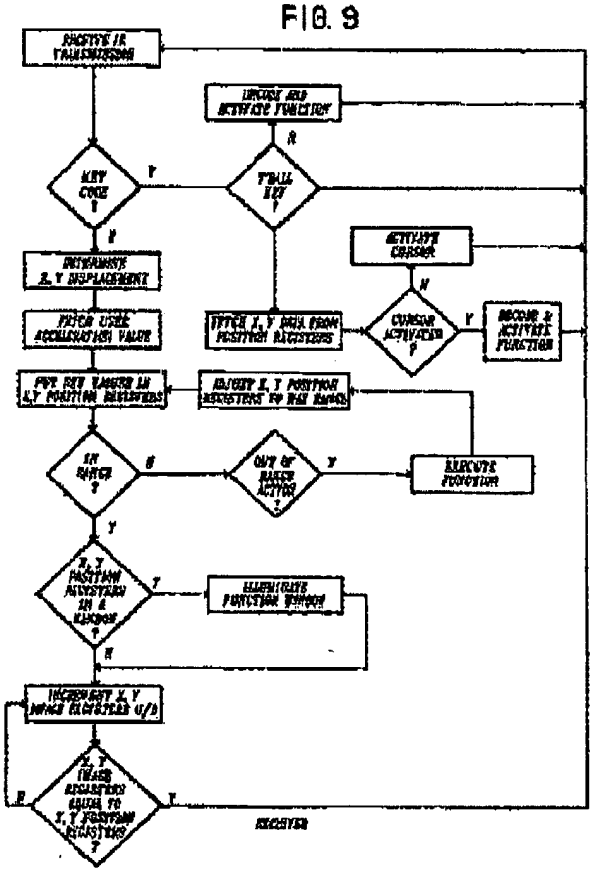
Figure 4 does not show an I-bar in a document displayed on a screen. The "windows" shown are not I-bars. Therefore, figure 4 of *Gaughan* does not teach that the first region is defined by a number of lines above and below an I-bar in a document displayed on the screen, as claimed. Nevertheless, the text describing figure 4 is as follows:

> In FIG. 4, the viewing screen of CRT 22 is shown with various portions thereof being assigned to particular television operating functions. These portions are enclosed by dashed lines to form, for example, a block 58 for channel selection, a block 60 for volume selection, a block 52 for menus and a block 64 for PIP (picture in picture). A cursor 56, in the form of a cross, is also illustrated. It should be noted that these portions or areas are generally peripherally arranged to leave the central viewing area of the screen relatively free. It will be appreciated that the various legends in the areas overlay the normal video display when television function selections are being made. Otherwise they are not displayed.

Gaughan, col. 3, ll. 16-28.

The cited text never mentions I-bars or regions defined by a number of lines above and below any reference. Similarly, nothing else in *Gaughan* teaches the features of claim 6. However, the examiner also cites figure 9 of *Gaughan* for the erroneous proposition that *Gaughan* teaches all of the features of claim 6. Figure 9 is as follows:

FIG. 9



As is readily apparent, nothing in figure 9 of *Gaughan* teaches the claimed feature that the first region is defined by a number of lines above and below an I-bar in a document displayed on the screen, as claimed. Similarly, nothing in the text accompanying figure 9 teaches or suggests the claimed feature.

Nothing in *Gaughan* teaches all of the features of claim 6. Therefore, *Gaughan* does not anticipate claim 6 or any of the other claims in this grouping of claims.

A.4. Claims 10 and 16

Claim 10 is a representative claim in this group of claims. Claim 10 is as follows:

> 10. The data processing system of claim 8, wherein the determining means is a first determining means and wherein the first region is associated with a pointer and wherein the determining means comprises:
>
> second determining means for determining whether the pointer has moved to a new location on the screen, wherein movement of the pointer to the new location results in movement of the first region to the new location to form the redefined region.

Gaughan does not anticipate claim 10 because *Gaughan* toes not teach that movement of a pointer results in movement of the first region, as claimed. In the context of the rejection of original claim 3, the examiner asserts that *Gaughan* does teach this claimed feature, citing the following portion of *Gaughan*:

> Regarding claim 3, Gaughan et al discloses that determining whether the pointer [i.e. "cursor"; 56] has moved to a new location [i.e. 'another screen area by cursor movement'] on the screen, wherein movement of the pointer to the new location results in movement of the region to the new location to form the redefined region. (See Fig 4, col. 4 line 40-col.6 line 6).

Office Action of February 25, 2005, p. 4.

Figure 4 of *Gaughan* is reproduced on page 15 of this appeal brief. The text cited by the examiner is as follows:

> depression of the trackball activates the switch 44 again and the activate signal will be received by the IR receiver 34 of the television receiver and result in execution of the selected control function. During trackball movement, the cursor position is correspondingly updated. As those skilled in the art will appreciate, with the arrangement, if it is so desired, a single trackball control on the remote transmitter may suffice for completely controlling all functions of the television receiver. For example, at initial start up, the trackball may be depressed to turn the television receiver on and to illuminate the cursor. Thereafter control of any function may be obtained in the manner just described by movement of the trackball to position the cursor in the selected area and by further activation of the switch 44. *When the position of cursor 56 is outside of the selected area, the illuminated area is turned off.* This particular illumination arrangement will be recognized to be a matter of design choice and the invention is not to be so limited.
>
> The flow charts of FIGS. 8 and 9 for the transmitter and receiver, respectively, illustrate operation of the system of the invention. In the transmitter, a key press is interrogated as to whether it is a trackball key

> (T'Ball) or a conventional function key. If the latter, the corresponding IR code is transmitted. If it was the T'Ball key, the T'Ball IR key code is sent to activate the cursor in the television receiver. A timer is started and the keyboard and T'Ball are monitored for 20 seconds. Activity during this period is interrogated with T'Ball movement being sent as IR displacement data and function key presses or simultaneous function key presses and T'Ball activity being sent as the selected key code. This favoring of the keyboard over the trackball prevents "casual" trackball movements from hindering normal remote control operation.
>
> In FIG. 9, the receiver initially determines whether the cursor was active when the trackball key code is received and the X,Y data retrieved from the position registers. If so, the key code is decoded and the appropriate function actuated. If not, the cursor is activated and further T'Ball signals are awaited (i.e. X,Y displacement signals). When such are received, the X,Y displacement is determined, a user acceleration value (or sensitivity factor) is applied and the new values are placed in the position registers. The ranges are checked since large movement of the trackball (to a border area or the like) may indicate that a "scroll" type function should be executed. *When the position registers indicate the cursor is in a "window" area of the screen, the area is illuminated.* The image registers are incremented (and the cursor movement is visible). It will be appreciated that to produce a "smooth" cursor movement effect it may be that the receiver is already receiving the first part of the subsequent IR transmission before the cursor has reached the position determined by the previous IR transmission. When the image registers equal the position registers, execution of the designated function is carried out.

Gaughan, col. 4, l. 60 through col. 6, l. 6 (emphasis supplied).

Nothing in the cited text teaches that "movement of the pointer to the new location results in *movement of the first region* to the new location *to form the redefined region*," as claimed in claim 10. *Gaughan* does not teach or suggest that the first region moves or that the static control areas 58, 60, and 62 move with the pointer. Instead, *Gaughan* teaches that a window area is illuminated when a cursor is in the window area and the window area is no longer illuminated when the cursor is not in the window area. In no case does movement of the cursor result in movement of the window areas themselves. Thus, *Gaughan* does not teach that "movement of the pointer to the new location results in *movement of the first region* to the new location *to form the redefined region*," as claimed in claim 10. Accordingly, *Gaughan* does not anticipate claim 10 or any of the other claims in this grouping of claims.

A.5. Claims 20-23

Claim 20 is a representative claim in this group of claims. Claim 20 is as follows:

> 20. The computer implemented method of claim 1, wherein the first region is a user-defined region.

Gaughan does not anticipate claim 20 because *Gaughan* does not teach that the first region is a user-defined region. The examiner ignores this claimed feature and does not assert otherwise. In *Gaughan*, window areas are not defined by the user; they are defined by the service provider. Nothing in *Gaughan* teaches or suggests otherwise. Thus, *Gaughan* does not teach all of the features of claim 20.

By ignoring the features of claim 20, the examiner has failed to establish that *Gaughan* anticipates claim 20. In view of the lack of disclosure in *Gaughan* regarding the features of claim 20, *Gaughan* does not anticipate claim 20 or any other claim in this grouping of claims.

A.6. Claim 24

Claim 24 is as follows:

> 24. The computer implemented method of claim 1, wherein a color within the first region remains unchanged when the display intensity of the screen within the first region is altered and wherein the color within the redefined region remains unchanged when the display intensity of the screen within the redefined region is altered.

Gaughan does not anticipate claim 24 because *Gaughan* does not teach that a color within the first region remains unchanged when the display intensity of the screen within the first region is altered, as claimed. Similarly, *Gaughan* does not teach that the color within the redefined region remains unchanged when the display intensity of the screen within the redefined region is altered. The examiner fails to assert otherwise. Thus, the examiner has failed to establish that *Gaughan* anticipates claim 24. In view of the lack of disclosure in *Gaughan* regarding the features of claim 24, *Gaughan* does not anticipate claim 24.

B. CONCLUSION

Gaughan does not anticipate any of the claims because *Gaughan* does not teach all of the features of the claims, arranged as they are in the claims. Accordingly, Applicants respectfully request that the Board of Patent Appeals and Interferences overturn the rejections and allow the claims.

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CLAIMS APPENDIX

The text of the claims involved in the appeal is:

1. A computer implemented method for selectively increasing a display intensity of at least one region of a screen, the method comprising:

responsive to identifying a first region on the screen, altering the display intensity of the screen within the first region, wherein, after the display intensity of the first region is altered, the display intensity of the screen within the first region is greater than the display intensity of other regions of the screen;

determining whether the first region has been redefined to form a redefined region; and

responsive to the first region being redefined, altering the display intensity of the screen within the redefined region, wherein the display intensity of the screen within the redefined region is greater than the display intensity of other regions of the screen.

4. The computer implemented method of claim 1, wherein the first region is defined by an active window and wherein the determining step comprises:

determining whether a new window has become the active window, wherein the new window becoming the active window results in the first region being redefined to form the redefined region.

5. The computer implemented method of claim 1, wherein the first region has a shape selected from one of a circle, a square, or a rectangle.

6. The computer implemented method of claim 1, wherein the first region is defined by a number of lines above and below an I-bar in a document displayed on the screen.

7. A data processing system for selectively increasing a display intensity of at least one region of a screen, the data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions; and

a processing unit connected to the bus system, in which the processing unit executes the set of instructions to:

responsive to identifying a first region on the screen, alter the display intensity of the screen within the first region, wherein, after the display intensity of the first region is altered, the display intensity of the screen within the first region is greater than the display intensity of other regions of the screen;

determine whether the first region has been redefined to form a redefined region; and

alter the display intensity of the screen within the redefined region, in response to the first region being redefined, wherein the display intensity of the screen within the redefined region is greater than the display intensity of other regions of the screen.

8. A data processing system for selectively increasing a display intensity of at least one region of a screen, the data processing system comprising:

altering means, responsive to identifying a first region on the screen, for altering the display intensity of the screen within the first region, wherein, after the display intensity of the first region is altered, the display intensity of the screen within the first region is greater than the display intensity of other regions of the screen;

first determining means for determining whether the first region has been redefined to form a redefined region; and

second altering means, responsive to the first region being redefined, altering the display intensity of the screen within the redefined region, wherein the display intensity of the screen within the redefined region is greater than the display intensity of other regions of the screen.

10. The data processing system of claim 8, wherein the determining means is a first determining means and wherein the first region is associated with a pointer and wherein the determining means comprises:

second determining means for determining whether the pointer has moved to a new location on the screen, wherein movement of the pointer to the new location results in movement of the first region to the new location to form the redefined region.

11. The data processing system of claim 8, wherein the determining means is a first determining means and wherein the first region is defined by an active window and wherein the determining means comprises:

second determining means for determining whether a new window has become the active window, wherein when the new window becomes the active window, the first region is redefined to form the redefined region.

12. The data processing system of claim 8, wherein the first region has a shape selected from one of a circle, a square, or a rectangle.

13. The data processing system of claim 8, wherein the first region is defined by a number of lines above and below an I-bar in a document displayed on the screen.

14. A computer program product in a computer readable medium for selectively increasing a display intensity of at least one region of a screen, the computer program product comprising:

first instructions, responsive to identifying a first region on the screen, for altering a the display intensity of the screen within the first region, wherein, after the display intensity of the first region is altered, the display intensity of the screen within the first region is greater than the display intensity of other regions of the screen;

second instructions for determining whether the first region has been redefined to form a redefined region; and

third instructions, responsive to the first region being redefined, for altering the display intensity of the screen within the redefined region, wherein the display intensity of

the screen within the redefined region is greater than the display intensity of other regions of the screen.

16. The computer program product of claim 14, wherein the first region is associated with a pointer and wherein the third instructions comprises:

sub-instructions for determining whether the pointer has moved to a new location on the screen, wherein movement of the pointer to the new location results in movement of the first region to the new location to form the redefined region.

17. The computer program product of claim 14, wherein the first region is defined by an active window and wherein the third instructions comprises:

sub-instructions for determining whether a new window has become the active window, wherein when the new window becomes the active window, the first region is redefined to form the redefined region.

18. The computer program product of claim 14, wherein the first region has a shape selected from one of a circle, a square, or a rectangle.

19. The computer program product of claim 14, wherein the first region is defined by a number of lines above and below an I-bar in a document displayed on the screen.

20. The computer implemented method of claim 1, wherein the first region is a user-defined region.

21. The data processing system of claim 7, wherein the first region is a user-defined region.

22. The data processing system of claim 8, wherein the first region is a user-defined region.

23. The computer program product of claim 14, wherein the first region is a user-defined region.

24. The computer implemented method of claim 1, wherein a color within the first region remains unchanged when the display intensity of the screen within the first region is altered and wherein the color within the redefined region remains unchanged when the display intensity of the screen within the redefined region is altered.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

The claims in the application are: 1, 4-8, 10-14, and 16-24.

B. STATUS OF ALL THE CLAIMS IN APPLICATION

Claims canceled: 2, 3, 9, and 15.

Claims withdrawn from consideration but not canceled: None.

Claims pending: 1, 4-8, 10-14, and 16-24.

Claims allowed: None

Claims rejected: 1, 4-8, 10-14, and 16-24.

Claims objected to: None

C. CLAIMS ON APPEAL

The claims on appeal are: 1, 4-8, 10-14, and 16-24.

STATUS OF AMENDMENTS

No amendments were submitted after the final office action of August 10, 2005.

SUMMARY OF CLAIMED SUBJECT MATTER

A. CLAIM 1 – INDEPENDENT

Claim 1 is directed to a computer implemented method for selectively increasing a display intensity of at least one region of a screen (specification, page 10, lines 5 and 29; page 11, lines 11 and 26-27; and Figure 3, 302). The method includes the steps of, responsive to identifying a first region on the screen, altering the display intensity of the screen within the first region (specification, page 11, lines 18-22; Figure 3), wherein, after the display intensity of the first region is altered, the display intensity of the screen within the first region is greater than the display intensity of other regions of the screen (specification, page 11, lines 25 through page 12, line 6; Figure 3); determining whether the first region has been redefined to form a redefined region (specification, page 11, lines 28-30); and responsive to the first region being redefined, altering the display intensity of the screen within the redefined region (specification, page 11, line 30 through page 12, line 6), wherein the display intensity of the screen within the redefined region is greater than the display intensity of other regions of the screen (specification, page 11, line 30 through page 12, line 6).

B. CLAIM 7 – INDEPENDENT

Claim 7 is directed to a data processing system for selectively increasing a display intensity of at least one region of a screen (specification, page 10, lines 4-5 and lines 9-14). The data processing system includes a bus system (specification, page 7, lines 14-15); a communications unit connected to the bus system (specification, page 9, line 10); a memory connected to the bus system, wherein the memory includes a set of instructions (specification, page 9, line 28 through page 10, line 2); and a processing unit connected to the bus system (specification, page 7, lines 19-20), in which the processing unit executes the set of instructions to: responsive to identifying a first region on the screen, alter the display intensity of the screen within the first region (specification, page 10, lines 20-23), wherein, after the display intensity of the first region is altered, the display intensity of the screen within the first region is greater than the display intensity of other regions of the screen (specification, page 11, line 25 through page 12, line 6); determine whether the first region has been redefined to form a redefined region (specification, page 11, line 25 through page 12, line 6); and alter the display intensity of the screen within the redefined region, in response to the first region

being redefined (specification, page 11, line 25 through page 12, line 6), wherein the display intensity of the screen within the redefined region is greater than the display intensity of other regions of the screen (specification, page 11, line 25 through page 12, line 6).

C. CLAIM 8 – INDEPENDENT

Claim 8 is directed to a data processing system for selectively increasing a display intensity of at least one region of a screen (specification, page 10, lines 20-23; page 11, lines 20-22). The data processing system includes altering means, responsive to identifying a first region on the screen, for altering the display intensity of the screen within the first region (specification, page 10, lines 20-23; page 11, lines 20-22), wherein, after the display intensity of the first region is altered, the display intensity of the screen within the first region is greater than the display intensity of other regions of the screen (specification, page 10, lines 20-23; page 11, lines 20-22); first determining means for determining whether the first region has been redefined to form a redefined region (specification, page 10, lines 20-23; page 11, lines 20-22); and second altering means, responsive to the first region being redefined, altering the display intensity of the screen within the redefined region (specification, page 10, lines 20-23; page 11, lines 20-22), wherein the display intensity of the screen within the redefined region is greater than the display intensity of other regions of the screen (specification, page 10, lines 20-23; page 11, lines 20-22).

D. CLAIM 10 – DEPENDENT

Claim 10 is directed to the data processing system of claim 8, wherein the determining means is a first determining means (specification, page 13, line 29 through page 14, line 5) and wherein the first region is associated with a pointer (specification, page 11, lines 25-30) and wherein the determining means (specification, page 13, line 29 through page 14, line 5) comprises: second determining means for determining whether the pointer has moved to a new location on the screen (specification, page 11, line 25 through page 12, line 3), wherein movement of the pointer to the new location results in movement of the first region to the new location to form the redefined region (specification, page 11, line 25 through page 12, line 3).

E. CLAIM 11 – DEPENDENT

Claim 11 is directed to the data processing system of claim 8, wherein the determining means is a first determining means (specification, page 13, line 29 through page 14, line 5) and wherein the first region is defined by an active window (specification, page 13, lines 14-16; Figure 5, item 506; page 14, lines 21-26) and wherein the determining means comprises: second determining means for determining whether a new window has become the active window (specification, page 11, lines 25-28), wherein when the new window becomes the active window, the first region is redefined to form the redefined region (specification, page 11, lines 28-30).

F. CLAIM 14 – INDEPENDENT

Claim 14 is directed to a computer program product in a computer readable medium for selectively increasing a display intensity of at least one region of a screen (specification, page 10, lines 20-23; page 11, lines 20-22). The computer program product includes first instructions, responsive to identifying a first region on the screen, for altering the display intensity of the screen within the first region (specification, page 11, lines 16-22; Figure 3, item 302), wherein, after the display intensity of the first region is altered, the display intensity of the screen within the first region is greater than the display intensity of other regions of the screen (specification, page 11, lines 16-22); second instructions for determining whether the first region has been redefined to form a redefined region (specification, page 11, line 25 through page 12, line 3); and third instructions, responsive to the first region being redefined, for altering the display intensity of the screen within the redefined region (specification, page 11, line 25 through page 12, line 3), wherein the display intensity of the screen within the redefined region is greater than the display intensity of other regions of the screen (specification, page 11, line 25 through page 12, line 3).